

Steering Committee on Arizona Appellate Case Processing Standards

January 20, 2016

9:30 a.m. to 11:30 a.m.

State Courts Building

1501 W. Washington, Phoenix, AZ 85007

Conference Room 412

APPROVED on 02/11/2016

Committee Members Present: Justice Ann A. Scott Timmer (Chair), Chief Judge Michael J. Brown, Ms. Kimberly Demarchi, Ms. Janet Johnson, Ms. Alice Jones, Ms. Ruth Willingham, and **Appearing Telephonically:** Chief Judge Peter J. Eckerstrom, Mr. David Euchner, Mr. Jeffrey Handler and Dr. William Mangold

Administrative Office of the Courts Staff Present: Ms. Summer Dalton, Ms. Jerri Medina

A. Welcome and Opening Remarks

The Chair called the Committee meeting to order at 9:32 a.m. and followed with roll call and introductions of new members, Ms. Alice Jones, Arizona Assistant Attorney General, Criminal Appeals Section, and Mr. David Euchner, Assistant Pima County Public Defender, Appellate Unit.

The draft minutes from the December 9, 2015 meeting of the Steering Committee on Arizona Appellate Case Processing Standards were presented for approval. The chair called for any omissions or corrections to the minutes. There were none.

- Motion was made by Chief Judge Peter Eckerstrom to approve the December 9, 2015 meeting minutes of the Steering Committee on Arizona Appellate Time Standards. Seconded by Ms. Janet Johnson. The motion passed unanimously.

B. Review Comments Received

The chair informed members that comments were solicited from the attorney community regarding implementation of Appellate Time Standards and a copy of all comments received to date was presented for committee review.

C. What Should be Measured?

Ms. Summer Dalton reviewed the National Model Time Standards and the CourTools reference points, which are currently tracked by the courts. She then presented current data for specific stages of a case such as; *filing to discretionary review*, *at issue to disposition* and *oral argument to disposition*, and *filing to disposition*.

The different stages of a case were further discussed. Committee members noted the importance of measuring the time in which the appellate bench has control of the case separately from the total time from filing to disposition. Members discussed the “gathering of the record” stage. This includes preparation of the transcripts which is a statutory responsibility of the Superior Court. A key point of the discussion was the fact that the courts may find benefit in measuring specific

stages of a case. This method would support the identification of specific problem areas. Data presented in this manner would also provide information regarding resources and may be of interest to other stakeholders such as funding authorities and litigants.

The chair asked for discussion on what should be measured. Discussion occurred to measure areas relevant to all stakeholders. The chair called for a preliminary vote to items discussed.

- Motion was made by Mr. David Euchner to measure standards from beginning to end (initiating event or petition for review to disposition). Seconded by Ms. Kimberly Demarchi. Motion passed with majority; Chief Judge Michael Brown opposed.
- Motion was made by Ms. Kimberly Demarchi to also measure standards in stages: 1) Preparation of Record, 2) Briefing, and 3) Decision Making. Discussion ensued. Ms. Demarchi amended the motion to setting a standard for the decision-making stage only (at issue to disposition - chambers control). Amended Motion seconded by Ms. Janet Johnson. Discussion of amended motion ensued. Motion passed unanimously.

The chair asked for discussion on which case types should be measured. Discussion involved the reasons to include or exclude the following case types: Criminal, Industrial Commission, Special Action, Juvenile, Civil and to separate Family Law from Civil.

- Motion was made by Ms. Kimberly Demarchi to measure the following case types: Civil, Criminal, Family, Juvenile, Industrial Commission and Special Actions. Seconded by Chief Judge Michael Brown. Motion passed unanimously.

D. Discuss Preliminary Standards

The national model approaches measurement with two distinct points of measure; one for 75% of cases and another for 95%. This approach was appealing to the committee. Discussion ensued regarding the pros and cons of using the current CourTools 75% reference point as one of these points of measure. The Committee noted that existing reports could be used to satisfy the requirements being discussed. Some members raised concerns about two separate reporting requirements if the standards were adopted while continuing the use of CourTools.

E. Future Planning

Data will be gathered to determine the number of days by which 75% of the cases have been disposed as well as the number of days by which 95% of the cases have been disposed. Court of Appeals data will consist of 1) filing to disposition and 2) assignment to disposition information for the last three fiscal years. Supreme Court data will consist of 1) filing of petition to review to discretionary review decision and 2) assignment to disposition. Information will be compiled and shared with Committee members prior to the next meeting.

F. Call to the Public/ Adjournment

Next meeting is on February 11, 2016 at 9:30am at the State Courts Building.

There was no response to a call to the public and the meeting adjourned at 11:37am.